Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Text

PAGE 01 STATE 308226
ORIGIN ARA-10

INFO OCT-01 ISO-00 DHA-02 L-03 /016 R

DRAFTED BY ARA/AND/P:ASCFULLER:MG
APPROVED BY ARA/AND/P:ASCFULLER
ARA:GLISTER (INFO)
D/HA:MSPEAR (INFO)
---------- 085270 /66
P 212107Z DEC 76
FM SECSTATE WASHDC
TO AMEMBASSY LIMA PRIORITY

LIMITED OFFICIAL USE STATE 308226

E.O. 11652: N/A

TAGS: SHUM, MASS, PE

SUBJ: HUMAN RIGHTS REPORT FOR CONGRESSIONAL PRESENTATION
REPORT - -
REF: (A) STATE 307523; (B) STATE 306085; (C) STATE 306890

TEXT FOLLOWS OF UNCLASSIFIED HUMAN RIGHTS REPORT ON PERU (REF.A), FOR EMBASSY INFO AND ANY NECESSARY COMMENT. REPORT IS RE-WORK OF THAT BEING SUBMITTED TO FRASER SUBCOMMITTEE (REF. B & C)

1. POLITICAL SITUATION

PERU HAS BEEN RULED BY MILITARY GOVERNMENTS SINCE OCTOBER 3, 1968. FOR EIGHT YEARS, SUCCESSIVE "REVOLUTIONARY GOVERNMENTS OF THE ARMED FORCES" HAVE CONSCIOUSLY SOUGHT TO PROMOTE FUNDAMENTAL SOCIAL AND ECONOMIC CHANGES

WITHOUT VIOLENCE -- AND TO SOME EXTENT FOR THE PURPOSE
LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

PAGE 02 STATE 308226

OF PREEMPTING IT. ALTHOUGH POLITICAL PARTIES WERE NOT PROSCRIBED, PARLIAMENT WAS CLOSED, AND INDIVIDUAL CRITICS WERE OCCASIONALLY DEPORTED.

ON AUGUST 29, 1975, GENERAL JUAN VELASCO, WHO HAD LED THE 1968 REVOLUTION, WAS REPLACED IN A BLOODLESS COUP BY THE THEN PRIME MINISTER, GENERAL FRANCISCO MORALES BERMUDEZ. THE NEW PRESIDENT SUBSEQUENTLY ANNOUNCED THAT THE REVOLUTIONARY PROCESS HAD ENTERED A "SECOND PHASE",

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

AND THAT "EXCESSES" WOULD BE "RECTIFIED".

ONE OF MORALES BERMUDEZ' FIRST MEASURES ON ASSUMING THE PRESIDENCY WAS TO PROMISE AN AMNESTY FOR THE POLITICIANS AND JOURNALISTS WHO HAD BEEN JAILED OR EXILED UNDER VELASCO. BY EARLY 1976 HE HAD LARGELY FULFILLED THAT PROMISE AND HAD BEGUN TO DEVELOP POLICIES DESIGNED TO STRENGTHEN INDIVIDUAL INITIATIVE AND CONSOLIDATE THE REFORM PROGRAMS.

AN INCREASINGLY DIFFICULT ECONOMIC SITUATION LED THE GOVERNMENT OF PERU TO ENACT NEEDED BUT UNPOPULAR ECONOMIC AUSTERITY MEASURES IN JUNE-JULY 1976. FOLLOWING DISTURBANCES, THE GOVERNMENT DECREED A NATIONAL STATE OF EMERGENCY AND IMPOSED A CURFEW IN THE CAPITAL. SOME OPPOSITION ACTIVISTS HAVE AGAIN BEEN ARRESTED OR DEPORTED AND SEVERAL WEEKLY MAGAZINES HAVE BEEN CLOSED. HOWEVER, THE APPOINTMENT OF CIVILIAN MINISTERS FOR THE FIRST TIME IN EIGHT YEARS, AND INTENSIFIED GOVERNMENTDISCUSSION OF POPULAR PARTICIPATION IN THE POLITICAL PROCESS AT LOWER ADMINISTRATION LEVELS HAVE LED TRADITIONAL POLITICAL PARTIES TO HOPE FOR A RENEWED "OPENING TOWARD DEMOCRACY".

11. LEGAL SITUATION

THE BASIC PERUVIAN LAW IS THE CONSTITUTION OF 1933, AS AMENDED, WHICH GUARANTEES UNIVERSALLY RECOGNIZED HUMAN
LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

RIGHTS. HOWEVER, THE MILITARY GOVERNMENT CONSIDERS THE REVOLUTIONARY STATUTE OF 1968 TO SUPERCEDE THE CONSTITUTION WHEREVER THE TWO CONFLICT. THE CONGRESS HAS BEEN DISBANDED AND ELECTIONS SUSPENDED. LAWS ARE ENACTED BY DECREE, ALTHOUGH SOME ARE SUBMITTED TO AN INVOLVED PROCESS OF CONSULTATION AND QUASI-REFERENDUM BEFORE BEING PROMULGATED.

THE CONSTITUTION PERMITS THE SUSPENSION OF ITS LEGAL PROTECTIONS WHEN THE SECURITY OF THE STATE REQUIRES. THE CURRENT STATE OF EMERGENCY WAS ENACTED IN JULY 1976 IN

ACCORDANCE WITH THE CONSTITUTION. SINCE THEN, THE NUMBER OF ARRESTS AND DETENTIONS HAS INCREASED AND THERE HAVE BEEN UNSUBSTANTIATED REPORTS OF MISSING PERSONS. THOSE DETAINED, HOWEVER, ARE GENERALLY RELEASED FOLLOWING INTERROGATION.

ALTHOUGH PERUVIAN COURTS ARE NOMINALLY INDEPENDENT OF THE EXECUTIVE, THE GOVERNMENT HAS OCCASIONALLY OVERRULED THEM ON POLICY MATTERS. CIVILIAN COURTS HAVE NO JURISDICTION IN SECURITY CASES.

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

111. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON:

ARTICLE 3: THE RIGHTS OF LIFE, LIBERTY AND
SECURITY OF PERSON ARE GENERALLY RESPECTED. THE
GOVERNMENT DOES NOT EXECUTE POLITICAL PRISONERS, NOR
DOES IT CONDONE FLAGRANT DENIALS OF PERSONAL SECURITY.

ARTICLE 5: LAW ENFORCEMENT TECHNIQUES AND PRISON
CONDITIONS IN PERU HAVE GIVEN RISE TO OCCASIONAL REPORTS
OF POLICE BRUTALITY. IN 1974 THE DOMESTIC PERUVIAN
PRESS DENOUNCED INSTANCES OF TORTURE BY POLICE IN
LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

INTERROGATING PRISONERS. IN SEPTEMBER OF THAT YEAR
PRESIDENT VELASCO PUBLICLY (ONDEMNED THE PRACTICE AND
ANNOUNCED AN INVESTIGATION. THE PERUVIAN GOVERNMENT
INSISTS IT DOES NOT CONDONE TORTURE AND OTHER INHUMAN
AND DEGRADING TREATMENT OF DETAINEES.

ARTICLE 8: PERUVIAN CITIZENS CAN SEEK LEGAL REDRESS
FOR GOVERNMENT ACTS VIOLATING FUNDAMENTAL RIGHTS GRANTED
BY THE CONSTITUTION. HOWEVER, BECAUSE SOME OF THOSE
RIGHTS HAVE BEEN SUSPENDED BY DECREE UNDER THE STATE OF
EMERGENCY, THEY CANNOT BE SURE OF OBTAINING A REMEDY IN
COURT.

ARTICLE 9: PERSONS SUSPECTED OF HOSTILE POLITICAL
OR SECURITY ACTIVITIES HAVE OCCASIONALLY BEEN SUBJECTED
TO ARBITRARY ARREST AND DETENTION WITHOUT CHARGES.
DURING THE VELASCO REGIME, PARTICULARLY ITS LAST YEARS,
AN ESTIMATED 100-150 PERSONS WERE EXPELLED FROM PERU
OR CHOSE VOLUNTARY EXILE. THESE INCLUDED STUDENTS,
UNION ACTIVISTS AND PEASANT LEADERS. PRESIDENT MORALES
BERMUDEZ GRANTED AMNESTY TO MANY THUS AFFECTED. UNDER
THE STATE OF EMERGENCY, HOWEVER, SOME DETENTIONS AGAIN
HAVE OCCURRED. THE GOP INSISTS SUCH MEASURES ARE
DIRECTED EXCLUSIVELY AGAINST THOSE WHO ADVOCATE VIOLENT

OVERTHROW OF THE GOVERNMENT.

ARTICLE 10: SOME PERSONS ARRESTED FOR SUSPECTED
POLITICAL AND SECURITY VIOLATIONS HAVE NOT HAD AN OPEN
COURT HEARING TO DETERMINE RIGHTS AND CHARGES. DETENTION
INCOMMUNICADO IS ALSO OCCASIONALLY PRACTICED.

ARTICLE 11: THE RIGHT TO A FAIR TRIAL IS GENERALLY
OBSERVED IN PERUVIAN CIVIL COURTS. IN A SMALL NUMBER
OF CASES, POLITICAL OR SECURITY FACTORS ARE GIVEN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

PRIORITY AND TRIAL IS BY SPECIAL COURTS MARTIAL.
LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

B. OTHER IMPORTANT FREEDOMS

THE PERUVIAN GOVERNMENT HAS TAKEN ACTIVE STEPS TO IMPROVE ACCESS TO LEGAL RESOURCES AND PROVIDE IMPROVED ECONOMIC AND EDUCATIONAL OPPORTUNITIES TO ITS LARGE INDIAN POPULATION, WHICH HAS BEEN EXPLOITED SINCE THE SPANISH CONQUEST.

PERUVIANS ARE FREE TO TRAVEL WITHIN THE COUNTRY, WITHIN THE CONTEXT OF THE RESTRAINTS OF THE PRESENT STATE OF EMERGENCY. NO SIGNIFICANT POLITICAL LIMITATIONS ARE PLACED ON TRAVEL ABROAD.

IN THE PROCESS OF ATTEMPTING TO ACHIEVE BROADER STATE AND POPULAR PARTICIPATION IN PERU'S ECONOMIC PROCESSES, THE MILITARY GOVERNMENT HAS EXPROPRIATED PROPERTY. COMPENSATION HAS BEEN PAID TO U.S. INVESTORS IN THESE CASES UNDER THE AEGIS OF AGREEMENTS NEGOTIATED WITH THE GOOD OFFICES OF THE U.S. GOVERNMENT.

NATIONAL CIRCULATION NEWSPAPERS WERE EXPROPRIATED IN 1974 AND WERE TO BE ASSIGNED WITHIN A SPECIFIED TIME PERIOD TO VARIOUS ORGANIZED SECTORS OF SOCIETY (PEASANTS, LABOR ORGANIZATIONS, INTELLECTUALS, ETC.) UNDER A VARIETY OF GOVERNMENT CONTROLS. HOWEVER, GOVERNMENT RELINQUIRMENT OF DIRECT EDITORIAL CONTROL OF NEWSPAPERS HAS BEEN POSTPONED TWICE SINCE 1974, AND A NEW HIGH-LEVEL COMMISSION HAS BEEN APPOINTED TO STUDY THE SITUATION OF THE PRESS AND MAKE RECOMMENDATIONS. RADIO, TELEVISION AND WIRE SERVICE REPORTINGS ARE MONITORED BY A NATIONAL INFORMATION OFFICE. THE MORALES BERMUDEZ GOVERNMENT PERMITTED PRIVATELY-OWNED WEEKLY JOURNALS CLOSEDBY VELASCO TO REOPEN. FOLLOWING THE JULY 1, 1976 DISTURBANCES, HOWEVER, POLITICAL PERIODICALS OF BOTH RIGHT AND LEFT WERE CLOSED.
LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

ALTHOUGH POLITICAL PARTIES CONTINUE TO EXIST LEGALLY IN PERU, THEY ARE PERMITTED NO DIRECT ROLE IN SHAPING GOVERNMENT POLICIES. UNDER THE PRESENT STATE OF EMERGENCY, THRY DO NOT ENJOY THE RIGHTS OF PUBLIC ASSEMBLY. IN NORMAL TIMES THE PARTIES HOLD OUTDOOR ASSEMBLIES ONLY WITH EXPRESS GOVERNMENT PERMISSION.

1V. OTHER HUMAN RIGHTS REPORTING

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

AMNESTY INTERNATIONAL'S 1974 REPORT ON TORTURE STATED THAT "POLICE BRUTALITY DURING INTERROGATION OF COMMON AND POLITICAL PRISONERS HAS ALLEGEDLY BEEN COMMON PRACTICE IN PERU FOR MANY YEARS". THE REPORT ALSO ASSERTED THAT WHILE "VERY FEW ALLEGATIONS" HAD BEEN RECEIVED, IT APPEARED THAT SOME TORTURE TECHNIQUES ARE COMMON PRACTICE DURING INTERROGATION OF ALL KINDS OF PRISONERS, ALTHOUGH "THERE IS NO REASON TO TO BELIEVE THAT TORTURE IS CARRIED OUT AFTER THE INTERROGATION STAGE".

AMNESTY INTERNATIONAL'S 1974-75 ANNUAL REPORT ALSO DISCUSSED ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS IN PERU. IN MARCH 1975, AMNESTY INTERNATIONAL EXPRESSED ITS APPRECIATION OF PRESIDENT VELASCO'S CONDEMNATION OF POLICE TORTURE AND ANNOUNCEMENT OF AN INVESTIGATION INTO IT.

IN APRIL 1975, HOWEVER, AMNESTY INTERNATIONAL REQUESTED PERUVIAN AUTHORITIES TO INVESTIGATE CLAIMS OF TORTURE MADE BY PEASANTS DETAINED BETWEEN 1972 AND 1974 FOR ALLEGED GUERRILLA ACTIVITY. THEY WERE CONVICTED IN 1975 OF RESORTING TO POLITICAL VIOLENCE. DESPITE THIS CHARGE, AMNESTY INTERNATIONAL ADOPTED THE CASES.

ACCORDING TO ITS 1975-76 ANNUAL REPORT, AMNESTY
LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

INTERNATIONAL ALSO ADOPTED A NUMBER OF LABOR LAWYERS AND UNION LEADERS, WHO HAD BEEN ARRESTED AE RELEASED INCOMMUNICADO. -IN APRIL-MAY 19A6 THMY WERE RELEASED IN AN AMNESTY DECLARED BY THE GOVERNMENT. WITHOUT FURTHER IDENTIFICATION, AMNESTY INTERNATIONAL CITES A TOTAL OF 14 PERUVIAN POLITICAL PRISONERS EITHER UNDER ADOPTION OR INVESTIGATION LEADING TOWARDS ADOPTION.
KISSINGER

LIMITED OFFICIAL USE

<< END OF DOCUMENT >>

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Attributes

Automatic Decaptioning: X
Capture Date: 16 SEP 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, POLICIES, REPORTS, TEXT, POLITICAL SITUATION
Control Number: n/a
Copy: SINGLE
Draft Date: 21 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: powellba
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE308226
Document Source: ADS
Document Unique ID: 00
Drafter: ARA/AND/P:ASCFULLER:MG
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D760468-1298
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761293/baaaerbo.tel
Line Count: 259
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: powellba
Review Comment: n/a
Review Content Flags:
Review Date: 26 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 JUL 2004 by CunninFX>; APPROVED <29 OCT 2004 by powellba>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS REPORT FOR CONGRESSIONAL PRESENTATION REPORT - -
TAGS: SHUM, MASS, PE, (MORALES BERMUDEZ, FRANCISCO)
To: LIMA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006